

# EXHIBIT DD

**In the Matter Of:**  
**UNITED STATES vs STATE OF GEORGIA**

1:16-cv-03088-ELR

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**SAMUEL CLEMONS, SR.**

*December 15, 2022*

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1 A What do you mean?

2 Q Do you have any staff who report to you?

3 A Yes, I do.

4 Q How many?

5 A I have four coordinators that report  
6 directly to me.

7 Q Does anyone else report directly to you?

8 A Um, I think that's it.

9 Q Are there additional staff at Horizon  
10 GNETS who in turn report to the four coordinators?

11 A I'm not sure what you're asking.

12 Q Are there other staff who report to your  
13 four coordinators?

14 A Yes.

15 Q And would those generally speaking be  
16 staff at the Horizon GNETS program?

17 A Yes.

18 (WHEREUPON, Plaintiff's Exhibit-707 was  
19 marked for identification.)

20 BY MS. GARDNER:

21 Q I'll hand you what is marked as  
22 Plaintiff's Exhibit 707.

23 This is a brochure providing information  
24 about the Horizon GNETS program.

25 Do you recognize this document?

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1 A I do.

2 Q Who created this document?

3 A I'm not sure.

4 Q Okay. Am I correct this brochure provides  
5 information about the Horizon GNETS program?

6 A Yes.

7 Q And this says that Horizon Academy is one  
8 of the 24 programs statewide comprising of Georgia  
9 Network for Educational and Therapeutic Support,  
10 correct?

11 A Yes.

12 Q And it goes on to say, on the first page,  
13 in the first paragraph, under "What is Horizon  
14 Academy?" That it is funded by the Georgia General  
15 Assembly through the Georgia Department of  
16 Education, Special Education Services and Supports?

17 A That's correct.

18 Q What is Horizon's mission?

19 A To provide support and assist students  
20 ages five through 21 with emotional and behavior  
21 disorders to reach their full potentials.

22 Q Given this mission statement, would you  
23 say that most of the students in the Horizon GNETS  
24 program have EBD?

25 A You're saying EBD. I'm saying SEBD,

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1 Q Are there any other direct therapeutic  
2 services that fall into the category of character  
3 education apart from the standardized curriculum you  
4 just mentioned?

5 A No.

6 Q No?

7 A (Witness shakes head in the negative.)

8 Q You also mentioned Check and Connect?

9 A Yes.

10 Q What is Check and Connect?

11 A That's when students first come in in the  
12 mornings and you greet them at the door and you  
13 pretty much check, see how they are doing, and then  
14 you try to make connection with them daily.

15 Q Okay. Any other direct therapeutic  
16 services for Horizon GNETS students that we haven't  
17 covered that you can think of?

18 A I'm sure there are others but I can't  
19 think of them right now.

20 Q This also references evaluation. Do you  
21 see that?

22 A Yes.

23 Q What kind of evaluation do students  
24 receive?

25 A Usually when students come to us -- before

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1 they come to us, the LEA has to do an FBA, and from  
2 the FBA develop a BIP.

3 Q That FBA, BIP, are those requirements?

4 A Yes.

5 Q And who requires that?

6 A That's something we require. That's part  
7 of our intake, initial intake.

8 Q Who determines what the requirements of  
9 the initial intake form will be?

10 A That's a form we got from the state, DOE.

11 Q You keep referring to a form. Is there a  
12 particular name of that form or --

13 A There is, and I can't think of the name of  
14 that. There's a document that we use to initiate  
15 the intake of students.

16 Q Okay. And that document tells you the  
17 various things that you are required to do or to  
18 meet before you can take the student in?

19 A Right, it is.

20 Q Anything else included within the  
21 valuation here apart from the FBA and the BIP?

22 A Sometimes there might be an evaluation  
23 that's done by the psychological -- by the  
24 psychologist before students enter the program.

25 Q Does Horizon GNETS do FBAs and BIPs once a

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1 A They are.

2 Q And those three consultant teachers that  
3 appear as GNETS special education specialists are  
4 also funded by the State grant?

5 A Yes.

6 Q Under Instructional Staff, there is a line  
7 item for GNETS Teacher. Do you see that?

8 A I do.

9 Q And it says there are 21 GNETS teachers?  
10 Correct?

11 A At that time, yes.

12 Q And those are all funded by the State  
13 grant?

14 A Yes.

15 Q Do you have 21 GNETS teachers currently?

16 A I think. Let me see.

17 (Pause.)

18 Yes.

19 Q And this says that there are no LEA funded  
20 GNETS teachers, correct?

21 A That's correct.

22 Q Is that still currently accurate?

23 A Yes.

24 Q The staffing pattern also shows one  
25 director in the program, correct?

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1 A That's correct.

2 Q And that's you?

3 A Yes.

4 Q And your position is funded through the  
5 State grant?

6 A Yes.

7 Q This staffing pattern shows that there are  
8 18 GNETS paraprofessionals. If you look at the  
9 grand total, it doesn't sort of show where the staff  
10 fall apart from that.

11 How are your 18 paraprofessionals funded?

12 A Federal funds.

13 Q If you look at the page immediately  
14 preceding the Staffing Pattern, the Student  
15 Transition form. Do you see that?

16 A I do.

17 Q This says that Horizon Academy had 116  
18 students across all of its center locations,  
19 correct?

20 A Yes.

21 Q And then it had 52 students across its  
22 school-based GNETS classrooms?

23 A Yes. I see that, yes.

24 Q And then this shows there were 15 students  
25 who were returned to their home district?



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1 document that will explain all of this, did you ever  
2 receive or become aware of such a guidance document?

3 A I think when the new one came out is when  
4 we had got it, the new rule guidance document.

5 Q So it's your understanding that you did  
6 get a guidance document after the new State GNETS  
7 rule came out?

8 A Yes.

9 Q Was there a name for that guidance  
10 document?

11 A Was there a name?

12 Q Uh-hum. (Affirmative.)

13 A I can't remember if there was.

14 Q But you got some sort of guidance  
15 document?

16 A Yes, we did.

17 Q Do you still have that guidance document?

18 A It's on the website, I think.

19 Q Did you ever reach out to the State  
20 Department of Education with questions about  
21 students that school systems may want to refer to  
22 Horizon GNETS?

23 A I'm not sure if I understand the question.

24 Q I'm wondering if you ever reached out to  
25 the State Department of Education for guidance about

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1 particular situations that may come up where a  
2 school system may want to refer a student to Horizon  
3 GNETS and you have questions about it?

4 A Yes, I've reached out before.

5 Q What kinds of questions have you reached  
6 out with?

7 A I reached out to Vickie I think a couple  
8 of times and said, look, I got this child that  
9 blase, blase, blase. We don't think this child is  
10 appropriate, for guidance.

11 Q And when you reach out, do you typically  
12 receive the guidance that you're looking for?

13 A Yes.

14 Q Do you ever reach out to anyone at the  
15 State Department of Education other than Ms.  
16 Cleveland?

17 A Um, I think I've reached out to Zelphine  
18 before, I think. I'm not quite sure.

19 (Whereupon, Plaintiff's Exhibit 727 was  
20 marked for identification.)

21 BY MS. GARDNER:

22 Q I'll hand to you what is marked as  
23 Plaintiff's Exhibit 727.

24 This is an email from Nakeba Rahming to  
25 you dated September 19, 2016, with the subject "Re:

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1 Referral."

2 The document is Bates-stamped GA00226017.

3 Do you recognize this?

4 A Yes.

5 Q And Ms. Rahming sends an email to you but  
6 her email is in response to an earlier email that  
7 you sent to her on the same day. Correct?

8 A That's correct.

9 Q And in your email you say: "I have been  
10 contacted by a charter school concerning a referral.  
11 How does that work? Do we take students from  
12 charter schools?"

13 Correct?

14 A That's correct.

15 Q And what was Ms. Rahming's response to  
16 your question?

17 A She said yes.

18 Q And in addition to saying yes, she also  
19 indicated what process you would follow for handling  
20 a referral like that?

21 A Yes.

22 (Whereupon, Plaintiff's Exhibit-728 was  
23 marked for identification.)

24 BY MS. GARDNER:

25 Q I'm showing you what is marked as

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1 Plaintiff's Exhibit 728.

2 This is an email thread between you and  
3 Nakeba Rahming from March of 2017. The subject is  
4 "Re: Question."

5 This document is Bates-stamped GA00784317.

6 Do you recognize this document?

7 A Vaguely.

8 Q I want to start with the very first email  
9 in time, which appears at the bottom of the first  
10 page.

11 Am I correct you send an email to Nakeba  
12 Rahming on March 3rd, 2017, and you say: "I gave a  
13 system that want students to attend for several  
14 weeks (2 or 3) before transitioning them back even  
15 after meet goal and criteria."

16 Do you see that?

17 A Yes.

18 Q And there's some back and forth between  
19 you and Ms. Rahming, and you send that question  
20 again to her a little bit later that same day.  
21 Correct?

22 A Correct. It should have been I have a  
23 system. That was a typo.

24 Q Okay. So your revised question says: "I  
25 have a system that wants students to come back on a

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1 trial basis for two weeks before they are staffed  
2 back. These are students that have met the  
3 established exit criteria and mastered behavioral  
4 goals." Correct?

5 A That's correct.

6 Q I want to kind of paraphrase and make sure  
7 I understand what was happening and what you were  
8 concerned about.

9 So were you reaching out to Ms. Rahming  
10 about a system that had sent students to Horizon  
11 GNETS for services, those students had met the  
12 established exit criteria and mastered the  
13 behavioral goals that they were supposed to master,  
14 but the sending school system wanted those students  
15 to only be able to come back on a trial basis for  
16 two weeks to see if they could actually come back  
17 for real? Is that correct?

18 A That's correct.

19 Q And so why were you reaching out to Ms.  
20 Rahming about this?

21 A I was trying to get some guidance.

22 Q And what kind of guidance were you trying  
23 to get?

24 A Well, I was trying to clarify if they  
25 could actually do that. It's my understanding is

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1 that when they're ready to go back, they go back.

2 So I was trying to clarify and get some guidance if,  
3 if this was something that we did, because I had  
4 never done it before.

5 Q And Did Ms. Rahming give you guidance  
6 about that?

7 A I guess so. Yeah, she did.

8 Q And what was her guidance?

9 A She said there shouldn't be a trial  
10 period.

11 Q There should?

12 A There should not.

13 Q Should not?

14 A She said they should return to the team  
15 without a trial period.

16 Q And specifically her email says if the  
17 student met his or her goal, the IEP team should  
18 recommend that the student return to the less  
19 restrictive team without a trial period, correct?

20 A That's correct. Correct.

21 Q Once a student arrives at Horizon GNETS,  
22 are they given any assessment to determine where  
23 they are, either behaviorally or academically?

24 A Yes. We have a program called i-Ready,  
25 Reading and Math, which makes assessments for that.

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1                   So the purpose of the plan is to look  
2                   where you're at, self-assess your program and look  
3                   where you're at, and look at those areas you need to  
4                   improve in on and then work in those areas.

5           Q       Okay. Is Horizon GNETS obligated to  
6           comply with the GNETS Strategic Plan?

7           A       I assume so.

8           Q       You mentioned that there is a  
9           self-assessment component to the strategic plan,  
10          correct?

11          A       Yes.

12          Q       And as part of that self assessment  
13          process, is there standardized information that must  
14          be like collected or provided?

15          A       You have artifacts that you have to  
16          collect.

17          Q       And those artifacts demonstrate whether  
18          the program has complied with certain aspects of the  
19          strategic plan?

20          A       Yes.

21          Q       Is there an onsite review component to the  
22          strategic plan?

23          A       There was.

24          Q       And tell me about that onsite review.

25          A       The onsite review where you had Vickie and

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1 Lakesha would come to the site, and pretty much you  
2 had several components to the strategic plan, and  
3 basically you had a notebook where each section you  
4 would show artifacts that you have -- that you've  
5 complied with that or you're on board with that,  
6 that area.

7 And they would review that notebook and  
8 look at where you were and give feedback as far as  
9 some things you need to do.

10 Q Okay. Is that review process done  
11 virtually now given COVID, or is there something  
12 that's sort of used to replace the onsite review  
13 that you said happened before COVID?

14 A Pretty much online. You have to upload  
15 it. I mean you, you have to upload your documents.

16 I'm trying to think. Yeah, the strategic  
17 plan portal, I think, and you just upload your  
18 documents under each section, so many documents to  
19 show that you have mastered that, or, you know,  
20 working on that area.

21 Q Okay. So what previously was a physical  
22 notebook that Ms. Cleveland, Ms. Stevenson might  
23 come onsite and review, now you electronically  
24 upload the artifacts that would have been in that  
25 physical notebook to the Georgia Department of



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1 A Right.

2 Q -- GNETS program, correct?

3 A Uh-huh. (Affirmative.)

4 Q When you said "uh-huh," you meant yes?

5 A Yes.

6 Q Thank you.

7 You said earlier Ms. Cleveland and Ms.  
8 Stevenson conduct the strategic plan reviews,  
9 correct?

10 A Previously, yes. And I guess they still  
11 do but it's online now.

12 Q If there are any deficiencies or concerns  
13 in an area that's being assessed, is there any  
14 process by which improvements are recommended?

15 A Yes.

16 Q And how does that work?

17 A Usually whether you've mastered an area,  
18 like it's determined by artifacts, and it shows  
19 you've mastered that area. And if you have not  
20 mastered that area, then usually Ms. Cleveland or  
21 Ms. Stevenson would give some recommendations or  
22 talk about -- talk you through some of the things  
23 you may need to do, some of the things you may need  
24 to share in order to master that area.

25 Or they may refer you to another program

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1 that has mastered that area to get some insights as  
2 far as some things you need to do.

3 Q Okay.

4 (Whereupon, Plaintiff's Exhibit-733 was  
5 marked for identification.)

6 BY MS. GARDNER:

7 Q I want to show you what has been marked as  
8 Plaintiff's Exhibit 733.

9 This is an email from Vickie Cleveland to  
10 you dated June 7, 2018. The subject is "Meeting  
11 Monday."

12 The document is Bates-stamped GA00324971,  
13 and this document has one attachment that is a Word  
14 document with a file name "Tips - Strategic Plan  
15 Reviews Prep 4-17-18."

16 Do you recognize this?

17 A I do.

18 Q And this email is discussing a strategic  
19 plan review of Horizon GNETS scheduled for June 11,  
20 2018, correct?

21 A That's correct.

22 Q And in this email Ms. Cleveland attaches  
23 some strategic plan review tips that she says were  
24 sent out to everyone in April?

25 A Yes.

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1 Q Who did you understand the "everyone"  
2 referenced here to be?

3 A All the GNETS programs.

4 Q Okay. Turning to the attachment, which  
5 has a beginning Bates Stamp of GA00324972, these are  
6 the tips for strategic plan reviews that Ms.  
7 Cleveland references in her email to you?

8 A Yes.

9 Q And within the first paragraph, am I  
10 correct, and this is about midway down, that it  
11 says: "The tips outlined below may be helpful as  
12 you prepare your documentation and evidence for each  
13 of the focus areas"?

14 Do you see that?

15 A Yes.

16 Q And is the documentation and evidence for  
17 each of the focus areas that this document is  
18 referencing the kinds of documents that I think you  
19 have been referring to as artifacts?

20 A Yes.

21 Q I want to talk about a few of these.

22 Under the first section, Program  
23 Leadership, and do you see it says, "Documentation  
24 of attendance at GNETS meetings, conferences, etc  
25 (agendas and sign in sheets)."